



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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To <i>Macie Clarry-Milan</i>	From <i>Matt Lakin</i>
Dept./Agency <i>TCA</i>	Phone # <i>415 972-3851</i>
Fax # <i>949-754-3491</i>	Fax # <i>415 947-8026</i>

November 8, 2005

Gene K. Fong, Division Administrator
 Federal Highway Administration, California Division
 650 Capitol Mall, Suite 4-100
 Sacramento, CA 95814

Subject: Concurrence on the Preliminary Least Environmentally Damaging
 Practicable Alternative for the South Orange County Infrastructure
 Improvement Project, Orange County, California

Dear Mr. Fong:

The Environmental Protection Agency (EPA) has reviewed Federal Highway Administration's (FHWA) October 17, 2005 letter requesting concurrence, under the National Environmental Policy Act/Clean Water Act (CWA) Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), on the preliminary least environmentally damaging practicable alternative (LEDPA) for the South Orange County Infrastructure Improvement Project (SOCTIIP), Orange County, California. We appreciate the interagency coordination efforts by FHWA, California Department of Transportation, and Transportation Corridor Agency to identify the LEDPA.

EPA concurs that the A7C-FEC-M Initial Alignment is the preliminary LEDPA. Our concurrence is based on: 1) the information contained in the Draft Environmental Impact Statement (EIS) and its technical studies, 2) the preliminary determination by Fish and Wildlife Service, dated September 30, 2005, that the A7C-FEC-M Initial Alignment will not jeopardize the continued existence of listed species, including the Pacific pocket mouse, and 3) the concurrence by the Corps of Engineers, dated November 1, 2005, that alternative A7C-FEC-M is the preliminary LEDPA.

EPA looks forward to working with the SOCTIIP Collaborative on the development of the conceptual mitigation plan for impacts to aquatic resources, to be completed in advance of the Final EIS. This is the next step in the NEPA/404 integration process. EPA will also provide comments on the Final EIS pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act, as well as the Corps of Engineers Final Public Notice for the Clean Water Act Section 404 permit when they are

published for public review. If you have questions, please contact me or **Matthew Lakin**, the lead reviewer for this project, at (415) 972-3851 or Lakin.Matthew@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Duane James", written over a horizontal line.

for Duane James, Manager
Environmental Review Office

Cc: Susan Meyer, Army Corps of Engineers, Los Angeles District Office
Jill Terp, Fish and Wildlife Service
Smita Deshpande, California Department of Transportation
Macie Cleary-Milan, Transportation Corridor Agency
Larry Rannals, Marine Corps Base Camp Pendleton